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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 2971 of 2026
and CMP Nos.12355 and 12356 of 2026

CNR: {HCMA011010572026}

Case QR

1. J.K.Sundaramurthy
   S/o.A.J.Kuppusamy,

2. Vasundara
   W/o.J.K.Sundaramurthy,

..Petitioner(s)

Vs

1. S.Bhuvaneswari
   W/o.K.S.Saravanan,

2. K.S.Saravanan
   S/o.J.K.Sundaramurthy,

..Respondent(s)

Prayer:

Petition filed under Article 227 of the Constitution of India, to quash all further proceedings as against the petitioners herein in DVC.NO.3/2025 on the file of the Additional Mahila Court (In the cadre of Magisterial Level) Erode.

For Petitioner(s): Mr.R.Vijayaraghaven

For Respondent(s): M/s.C.S.Saravanan for R1

for R2 - sd-NA

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ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to quash the proceedings as against the petitioners herein in DVC.N0.3/2025, on the file of the Additional Mahila Court (In the cadre of Magisterial Level) Erode. The 2nd respondent filed divorce proceedings against the 1st respondent in FCOP No.512 of 2024, pending on the file of the Family Court, Erode.

2. The 1st respondent initiated proceedings under the Domestic Violence Act against the petitioners and the 2nd respondent sought for various reliefs. In this petition, the 1st petitioner is the father-in-law and the 2nd petitioner is the mother-in-law. The 2nd respondent is the husband. According to the petitioners, they have been added as parties only to harass them and the proceedings initiated by the 1st respondent is an abuse of process of law. Accordingly, the petitioners have sought for striking of the proceedings insofar as the petitioners are concerned.

3.Heard the learned counsel for petitioners and the learned counsel for the 1st respondent. This Court carefully perused the materials available on record.

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4.The issue raised in the present petition is squarely covered by the judgment of the Full Bench of this Court in ***Arul Daniel and others v. Suganya and others [2022 (6) CTC 833]***. The grievance expressed by the petitioners can be worked out in line with the guidelines issued in paragraph No.76(ix) of the aforesaid judgment and for proper appreciation, the same is extracted hereunder:

> "76 (ix) In ***Kunapareddy*** (cited supra), the Hon'ble Supreme Court upheld the Order of a Magistrate purportedly exercising powers under Order 6, Rule 17 of the Civil Procedure Code, 1908 (hereinafter referred to as "C.P.C."), to permit the amendment of an Application under Section 12 of the D.V. Act. Taking a cue therefrom, it would be open to any of the Respondent(s), at any stage of the proceeding, to apply to the Magistrate to have their names deleted from the array of Respondents if they have been improperly joined as parties. For this purpose, the Magistrate can draw sustenance from the power under Order 1, Rule 10(2) of the C.P.C. A judicious use of this power would ensure that the proceedings under the D.V.Act do not generate into a weapon of harassment and would prevent the process of Court from being abused by joining all and sundry as parties to the lis."

5.The Full Bench made it very clear that an order under Article 227 of the Constitution of India striking off the proceedings will be passed only in cases where the Magistrate suffers from patent lack of jurisdiction. That is not the

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case here and the grievance expressed by the petitioners can be dealt with by the Court before which the Domestic Violence proceedings are pending.

6.In the light of the above discussion, it is left open to the petitioners to move an appropriate application before the Additional Mahila Court (In the cadre of Magisterial Level) Erode, seeking to delete their names from the array of respondents and the same will be dealt with on its own merits and in accordance with law after affording opportunities to both parties. If such an application is filed, it is left open to the 1st respondent/complainant to file a counter. The petitioners shall be permitted to be represented through counsel and their presence are dispensed with.

7. This Civil Revision Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

04-11-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

Additional Mahila Court

(In the cadre of Magisterial Level) Erode.

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N.ANAND VENKATESH, J.

KP

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